

PRESIDENT: LB 552A is declared passed. By order of the Speaker, the...Senator Marsh.

SENATOR MARSH: Does this only take 25 votes to pass when it is an A bill, or is this an issue where it would take 30 votes to pass, because we have no way of knowing that it will raise funds, and those funds don't go into the agency that will be expending funds.

PRESIDENT: Senator Warner, do you have a statement on that question?

SENATOR WARNER: Mr. President, the argument is that it is an expenditure in excess of the Governor's recommendation, and that is the basis for 30 votes. Staff did extensive work last summer and a several-page document, some of which some of you have, but it becomes very clear to me that there is a Supreme Court decision that any expenditure for a new program, this in essence is a new program, that the Governor could not have anticipated because it didn't exist at the time he made his budget message, requires only 25 votes. It does not require 30. We operated, for years, on the assumption that 30 votes were required. I am convinced, upon all the research I've seen, that that is not the case where it is a new program. Now if somebody wants to...we've got a several-page document that would substantiate that position. If someone wants to read or write the Attorney General to confirm it, that would be fine. But there is no doubt in my mind that a new program requires only 25 votes.

PRESIDENT: Senator DeCamp, do you wish to comment on the point?

SENATOR DECAMP: Mr. President, I'm not sure then whether this new rule has logical sense, and certainly it does not have legislative history. I cite the litter tax, the lodging tax, the ton mile tax, and any number of things that "were new programs", essentially the same as this. Obviously, they could not be envisioned by the Governor either. Yet it was the requirement, as I recall and correct me if I'm wrong, based upon our interpretation then that these required 30 votes. Now if the new method to get around the constitutional prohibition, or the constitutional requirement that requires 30 votes for something, if the new method is you simply introduce a bill and start a new